

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

T01-0021

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", The Burlington Northern and Santa Fe Railway Company, hereinafter referred to as the "COMPANY", the City of Chicago, hereinafter referred to as the "CITY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through written correspondence from the CITY that inquiry should be made into the matter of improving public safety at the highway underpass ("subway") structure carrying the Company's tracks over Halsted Street at 1600 South in the City of Chicago, Cook County, Illinois, designated as crossing AAR/DOT 079 448S, milepost 1.78 A; and

WHEREAS, the physical aspects, train movements, vehicular traffic volume, and all other pertinent data relating to the subway structure have been obtained and shown on Exhibits A and B, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law ("Fund") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the lowering of the pavement under the subway structure at Halsted Street at 1600 South to increase the vertical clearance from the existing

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13'3" to a minimum of 14'3" as indicated on Exhibit A, pages 2 and 3.

Section 3 The CITY has prepared a preliminary estimate of cost to accomplish the proposed improvement which it may be required to perform, said estimate is attached as Exhibit C, and shall upon order according to the requirements contained therein prepare detailed drawings, estimates of cost and any required specifications for the proposed improvement for the approval of the COMMISSION and DEPARTMENT.

Section 4 The CITY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be at six (6) month intervals, and for the completion of the proposed improvements should be twenty-four (24) months, from the date of COMMISSION Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- a) the cost for lowering the pavement under the structure at Halsted Street, estimated to be \$1,291,000, should be divided 48% in an amount not to exceed \$619,680, to the Grade Crossing Protection Fund with all remaining cost being borne by the City. (Note: the line item concerning the removal and replacement of the traffic signals, street light and fire alarm cable is not eligible for Fund reimbursement and has been removed from the estimate.)
- b) future maintenance costs of the structure and the pavement shall be divided in the same manner as for the existing subway structure and roadway.

Section 6 The CITY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions. In view of the fact that federal funding may be utilized for the structure and roadway improvements, all such work shall be governed by applicable provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted December 9, 1991.

Since the roadway improvements will be performed by the CITY and/or its contractor, contractor insurance and railroad liability insurance will be required as specified in Illinois Department of Transportation "Standards and Specifications for Road and Bridge Construction" Section 107.

Since the structure will continue to have an under clearance of less than 14'6", the CITY shall install and maintain clearance signs at the structure in accordance with 92 IL.

Adm. Code 1535.606 of the COMMISSION.

All bills for expenditures authorized to be reimbursed from the Grade Crossing protection Fund shall be submitted to the District Office of the Illinois Department of Transportation, 201 West Center Street, Schaumburg, Illinois, 60196-1096. The Department shall submit copies of the bills received to the Director of Processing and information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than thirty six (36) months from the date of COMMISSION Order subsequent to this agreement. The Department shall, at the end of the 36<sup>th</sup> month from the COMMISSION's Order date, de-obligate all residual funds accountable for this project.

The City shall within ninety (90) days of the date of COMMISSION's. Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of a project manager.

The City shall file a written report with the Director of Processing and Information, Transportation Division of the Commission, within fifteen (15) days of the conclusion of each calendar quarter, stating the status of expenditures and percentage of completion of the warning device and circuitry installations; if the project is behind schedule, the report must include a brief explanation of the reason(s) for the delay.

Section 8 This agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

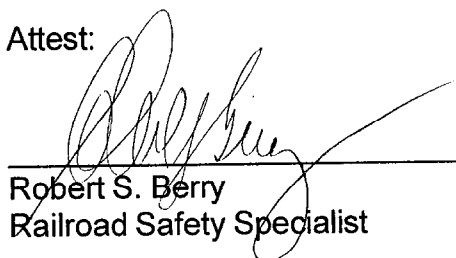
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 14<sup>th</sup> day of August, 2000.



Michael E. Stead  
Rail Safety Program Administrator

Attest:

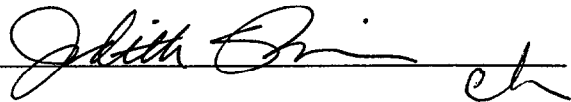


Robert S. Berry  
Railroad Safety Specialist

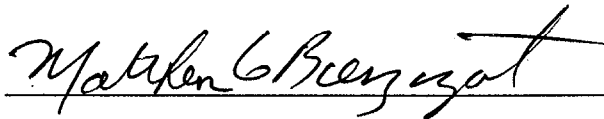
Illinois Commerce Commission Stipulated Agreement No. 948 concerning improvements at the highway overpass structure carrying the tracks of The Burlington Northern and Santa Fe Railway Company over Halsted Street at 1600 South, in the City of Chicago, Illinois, designated as crossing AAR/DOT 079 448S, milepost 1.78 A.

Executed by the City this 15th day of September, 2000.

CITY OF CHICAGO

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 948 concerning improvements at the highway overpass structure carrying the tracks of The Burlington Northern and Santa Fe Railway Company over Halsted Street at 1600 South, in the City of Chicago, Illinois, designated as crossing AAR/DOT 079 448S, milepost 1.78 A.

Executed by the Department this 28th day of SEPTEMBER 2000.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James C. Slifer  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 948 concerning improvements at the highway overpass structure carrying the tracks of The Burlington Northern and Santa Fe Railway Company over Halsted Street at 1600 South, in the City of Chicago, Illinois, designated as crossing AAR/DOT 079 448S, milepost 1.78 A.

Executed by the Company this 18 day of January 2000.

THE BURLINGTON NORHTERN AND  
SANTA FE RAILWAY COMPANY

By: Cheryl Burke

APPROVED AS TO FORM 8/22/00  
Wesley

Burlington Northern Santa Fe Law Department

Attest:

William R. Colagna Jr.

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

EXISTING  
HIGHWAY UNDER RAILROAD

GENERAL INFORMATION:

RR/LINE BNSF MILEPOST 1.78 A INVENTORY NO. 079 448S  
CITY Chicago STREET Halsted Street COUNTY Cook  
ROADWAY JURISDICTION City URBAN ☒ RURAL ☐ COMMERCIAL ☒ RESIDENTIAL ☒  
APPROACH SURFACE Bituminous PAVEMENT WIDTH 46' CONDITION Fair  
ADT 14,500 SPEED 30 mph STATEWIDE ☒ Yes  
SCHOOL BUSES ☒ Yes HAZ MAT ☐ OTHER ☐  
NUMBER AND TYPE OF TRACKS 4 MAIN ☐ TRAIN TRAFFIC 108

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STRUCTURE INFORMATION:

STRUCTURE NO. B-9-382 ANGLE 90° CONDITION Good  
PRESENT STRUCTURE TYPE Steel  
NUMBER AND LENGTHS OF SPANS \_\_\_\_\_  
DECK WIDTH \_\_\_\_\_ ROADWAY WIDTH See above  
WALKWAYS \_\_\_\_\_ WEARING SURFACE Bituminous Concrete  
VERTICAL UNDERCLEARANCE 13.3'

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COMMENTS: Pavement is to be lowered under the structure to increase the vertical clearance from the existing 13.3' to a new vertical clearance of 14'3". CTA/Metra trains also operate on the structure.

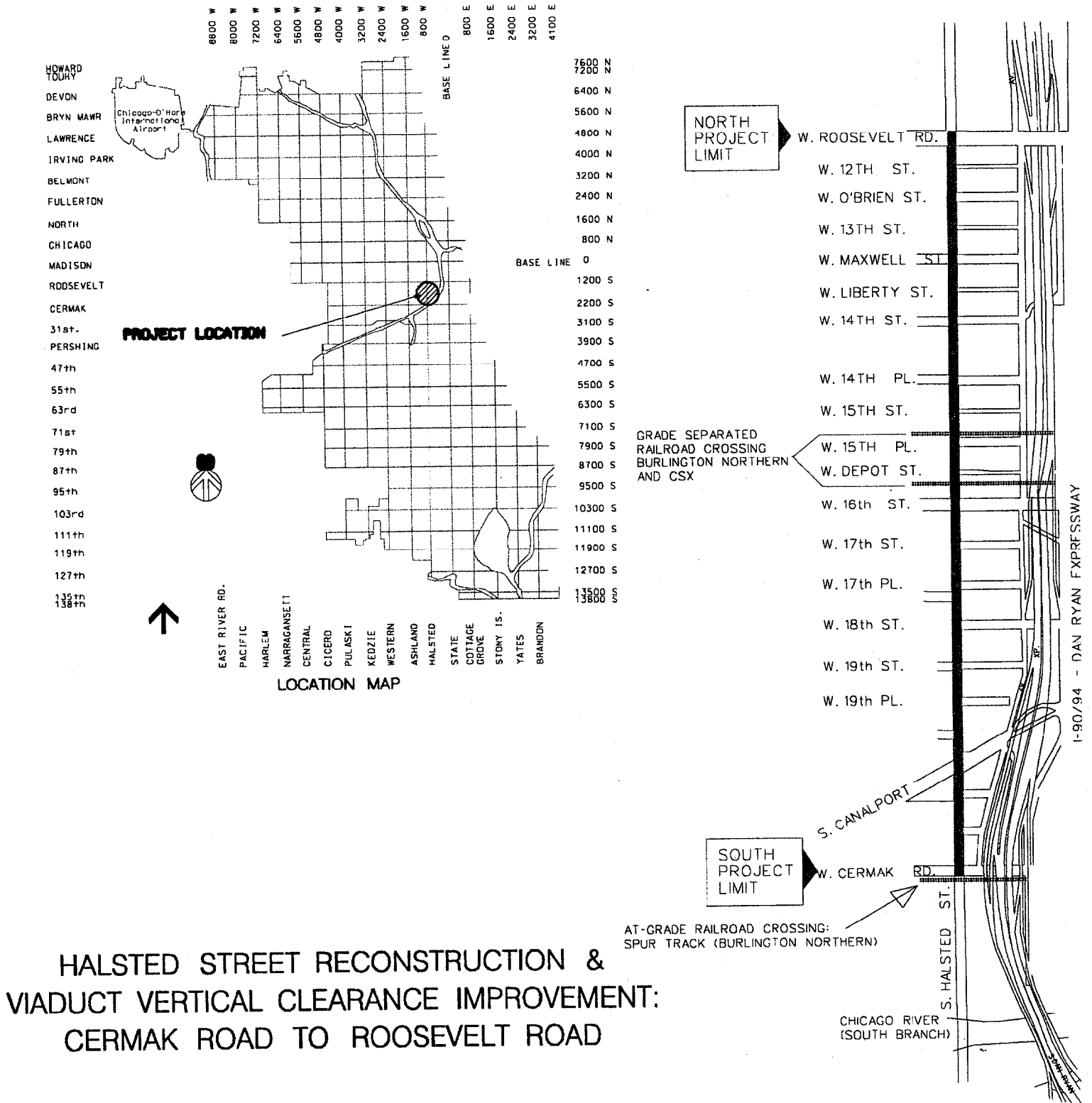
After a study on the collision data at the intersection of 16<sup>th</sup> and Halsted located at the approach of the railroad viaduct, the City determined that the high volume of right angle collisions could be reduced by an increase in the vertical clearance under the viaduct, traffic signal modernization, and reconstruction of the road and its appurtenances. Several public meeting have been held regarding

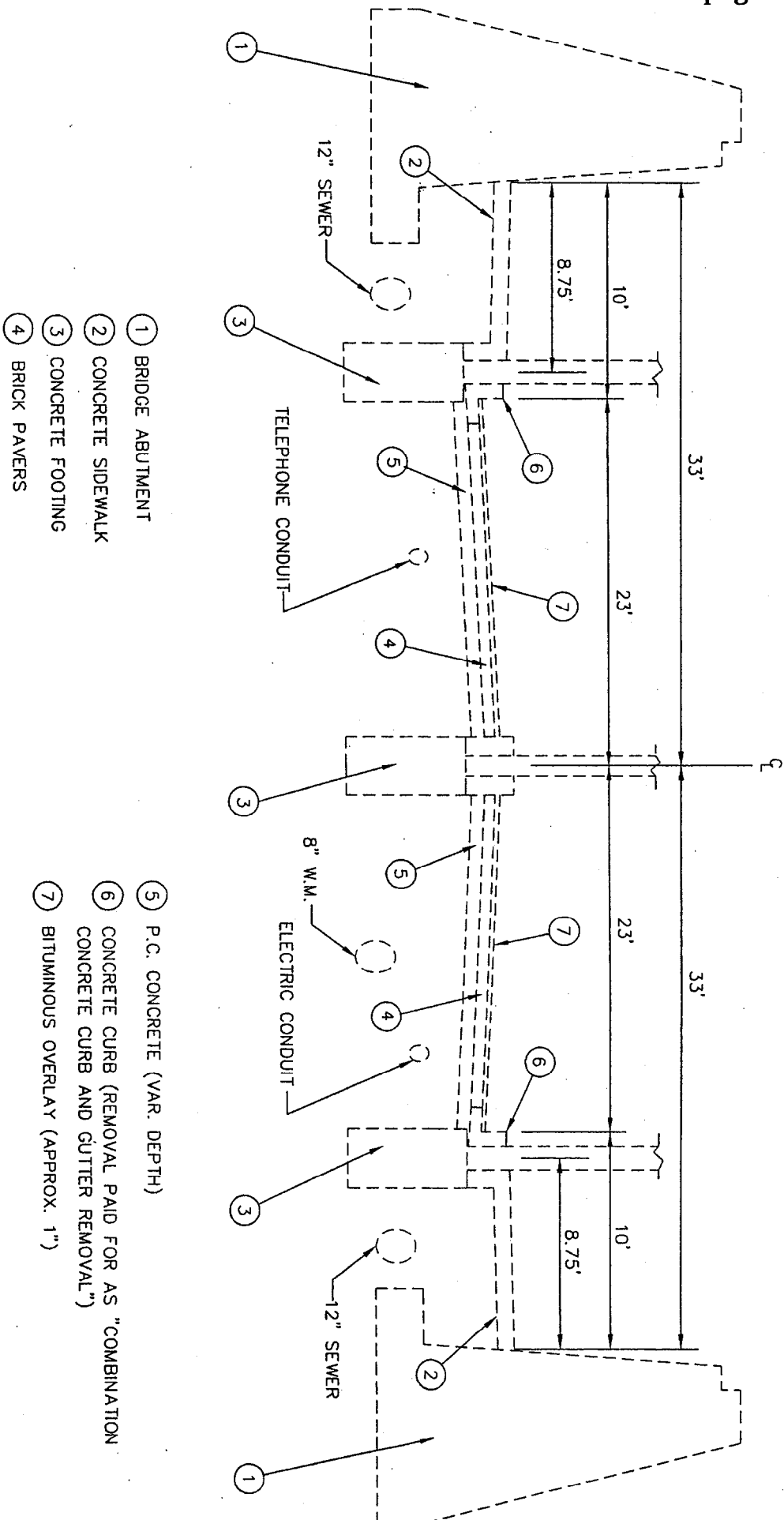
this project, and it has received a positive response from the public, surrounding commercial residents, and the University of Illinois.

The proposed improvements include: a) pavement reconstruction at a lower elevation to increase the vertical clearance available underneath the railroad structure to 14'3", b) removal and replacement of sidewalk, curb and gutter, and the barrier concrete retaining wall underneath the viaduct, c) installation of a special double face curb around the center piers, d) removal and replacement of existing storm sewers and existing structures (manholes and catch basins), e) the relocation of existing water main, f) erection of a steel handrail underneath viaduct, and g) new street lighting.

The line item in Exhibit C, the estimate of cost for the lowering of the pavement under the structure, pertaining to the street lighting, fire alarm cables, and traffic signals are not eligible for Grade Crossing Protection Fund reimbursement and has been removed from the estimate.

The Commission has allotted the sum of \$2,000,000 for the City of Chicago to be utilized by the City toward rail/highway grade crossing improvements in FY 2001. The City has elected to utilize the Fund participation in three projects, with the lowering of the pavement at the Halsted Street highway underpass as one of these projects. The usual cost division in this type of project is 60% to the Fund with all remaining cost being borne by the City. Since 60% of the cost of the three projects exceeds the Fund allotment, the City has decided to split the Fund allotment between the three projects. In this Agreement, the cost division is 48% to the Fund with all remaining cost being borne by the City.





EXISTING TYPICAL SECTION HALSTED ST.

(UNDER VIADUCT)

STA 36+85 TO STA 38+86